

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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Dwayne Deleston,

Civil No. 11-1205 (RHK/SER)

Petitioner,

**ORDER**

v.

Federal Bureau of Prisons,

Respondent.

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Before the Court is the June 6, 2011 Report and Recommendation of United States Magistrate Judge Steven E. Rau. Timely Objections to the Report and Recommendation have been interposed. The undersigned has conducted a de novo review of the Report and Recommendation and the Objections thereto. Based on that review, and upon all the files, records and proceedings herein, **IT IS ORDERED:**

1. Petitioner's Objections (Doc. No. 9) are **OVERRULED**;
2. The Report and Recommendation (Doc. No. 7) is **ADOPTED**;
3. Petitioner's application to proceed *in forma pauperis* (Doc. No. 2) is **DENIED**;
4. Petitioner's Motion for Summary Judgment (Doc. No. 4) is **DENIED**; and
5. Petitioner's application for habeas corpus relief under 28 U.S.C. § 2241 (Doc. No. 1) is **SUMMARILY DISMISSED FOR LACK OF JURISDICTION**.

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated: June 28, 2011

s/Richard H. Kyle  
RICHARD H. KYLE  
United States District Judge